Progress Report

Legislative Council Subcommittee on Public Information: HJR 18 Project

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This brief report attempts to summarize most of what we've learned, after two field trips, to Olympia and St. Paul, and through reading and research. The document will be handicapped by incomplete (or even erroneous) understanding of technical realities, but my aim is to provide a fairly comprehensive assessment of the Subcommittee's findings to date. The report supplements previous works, which are available on request or can be found at *http://leg.mt.gov/Services/LegCouncil.htm*, the Legislative Council web site .

Public/Elected Officials' Acceptance. A significant number of people are devoted to public affairs programming, even if they don't watch it religiously. The availability of easy access--through television screens or computer monitors-- to what goes on in the state capitol is what counts the most. In other words, the fact that citizens CAN tune into state government is more important to them than how often they actually seize the opportunity. Viewership "spikes" upward when controversial issues are being deliberated, and subsides again as lawmakers deal with the more mundane aspects of state-level governance.

Legislators recognize the value of C-span style programming as a means of informing their constituents, and as a practical way to cast light on both the process and substance of their deliberations. This is not a partisan matter. Politicians from both sides of the aisle, majority and minority alike, as well as interest groups across the ideological spectrum, support unfiltered, unedited coverage. No party overtly favors keeping taxpaying voters in the dark. In Washington and Minnesota (and presumably in other states as well), elected officials who originally scoffed at the notion, or even voted against it, have become genuine enthusiasts. Television coverage, and now the Internet streaming that complements over-the-air or cable TV broadcasting, is regarded as "sunlight" on the legislative process. Moreover, once the sun has shone on enough legislators for a sufficient increment of time, there is no going back to an operating environment characterized by closed doors and deals in the shadows, or the dark days when the only way for citizens to access their legislature was to travel to the capitol or be satisfied with the spotty, distorted, and dwindling coverage provided by the mainstream media.

Foundations for Success. The success of this kind of enterprise hinges on a number of factors, the most vital of which is ***trust***. Regardless of whether the television programming is done in-house, by legislative staff, or by a non-profit organization, under contract to the Legislature and other agencies, lawmakers in general must be able to place their trust in the production teams, so that there is virtually no fear that the content will be biased, politicized, unbalanced, or otherwise abused for partisan or personal gain. In a similar vein, the entities that transmit and distribute this type of programming also have to trust the producers. For example, the PBS affiliate in Minneapolis-St. Paul that carries

legislative programming trusts that it will be nonpartisan, unfiltered, and of an acceptable technical quality to warrant broadcast to the public television audience. Without such trust, the station would be risking its broadcast license. In both cases we have studied thus far, the managerial staff have emerged or been recruited from legislative staff or the body of elected officials; these are people who understand the institution, and respect it.

Technological Determinants. Technical factors are crucially important too. The significance of a high-quality and highly reliable Audio system can scarcely be exaggerated. Even if the video signal goes haywire for whatever reason--bad lighting, atmospheric interference, congestion on computer servers, etc.--a consistent, uninterrupted audio signal will suffice to keep listeners informed and records complete. With the advent of digital imaging and new camera technologies, the need for especially bright interior lighting has been greatly diminished. In the recent past, in other states, public and commercial television stations have demanded broadcast quality videotapes from capitol complex production teams, and this necessitated the installation of studio-type lighting in chambers and hearing rooms. Nobody likes hot, bright lights in their face. Fortunately, such devices are no longer required, although the brightness and suffusion of ambient light are still important.

Robotic cameras appear to be the optimal choice for gavel-to-gavel coverage. They are efficient, effective, and, most importantly, unobtrusive. Small cameras mounted on walls obviate the need for unsightly snakes of wires and cables, bulky tripods, and extra people crowding the hearing room or chamber. With robotics, skilled operators can switch camera shots from a remote location, using joy-stick manipulation or touch-screen technology. In the master control room, an operator using an electronic character generator can identify who is speaking (name, position, party affiliation, etc.), as well as the issue or specific piece of legislation (bill number) under consideration.

A well-equipped studio is a vital part of the production effort, and it needs to be located near if not inside the capitol. In addition, it is advisable that a room or semi-enclosed space in the capitol be dedicated for press conferences and other live announcements or brief "action" interviews. It is important that television monitors be placed in strategic positions, so that lobbyists, citizens who intend to testify on a bill, and more casual visitors to the capitol can know what is happening in the various chambers and hearing rooms without barging in at an inopportune moment. Audio and/or video streaming over the Internet (or across a localized intranet) will allow state agency personnel to monitor what is going on each day, and should increase the efficiency of those who are called upon to testify before legislative committees.

How the capitol system is connected to the outside world is another important consideration. For example, in Minnesota, the master control room in the basement of the capitol is linked to the PBS affiliate in the Twin Cities via underground wires owned by a telephone company. In our case, the renovated capitol will have in place the internal wiring and cabling to connect both the House and Senate Chambers, and a number of committee rooms, to a small head end room located in a nearby building--the chiller plant--via a tunnel. The head end room will be the terminus of the closed circuit

(MATV) system until such time as the Legislature authorizes and appropriates funds to purchase the electronics needed to connect to external transmission and distribution systems for statewide carriage. That connection can be made by different means: coaxial cable, fiber optics, high volume phone lines, or satellite uplink. These are not mutually exclusive. For example, a cable or fiber connection could provide the signal to the AT&T Cable facility in Helena, for delivery to cable customers in the local area, and for satellite uplink and downlink to cable affiliates elsewhere in the state. At the same time, a direct uplink from the capitol could provide the same programming to Montana Public Television and to commercial satellite TV providers (DirecTV and EchoStar) who have customers with small dishes spread far and wide across the state.

Timing. Term limits guarantees a new crop of legislators in the 2001 session. No one can at this stage predict whether newcomers's attitudes will be significantly different from those of long-term veteran legislators (who, after all, have never been asked directly, en masse, whether they favored gavel-to-gavel coverage or not). However, it is reasonable to assume that many in the "freshman class" of 2001, Republican or Democrat (or other), will have had more exposure to computers, the Internet, and public affairs programming in general than at least some of the long-serving veterans leaving the House and Senate. In other words, the immediate effect of term limits, kicking in for the first time, makes the body as a whole ripe for change in processes and procedures, including the insertion of television coverage of legislative proceedings.

The timing of Montana's prospective endeavor also allows for technological choices , and perhaps some cost savings as well, that were not available when other states started their television programs. Internet streaming is more commonplace now, as is the use of robotized cameras. The limited bandwidth within state government and elsewhere--currently an impediment to speedy Internet access--is likely to be greatly expanded by the 2003 session. Meanwhile, television broadcasters are under a federal mandate to upgrade their systems for digital television by 2003. This is a costly process (Montana Public Television is preparing a request for $2.5 million via the Governor's budget), but it will yield a significant increase in the number of channels available for programming. Cable systems that have been "channel blocked" will soon have new programming niches to fill. Public television will be able to engage in multi-casting, which allows for a high definition signal to be subdivided into 3-4 separate channels for all or part of a broadcast day.

What's Next? Forecasting the feasibility of broadcasting the legislature can be facilitated by segregating the vital components of the system. The electrical utility industry offers a useful analogy in this regard, as it is broken into three basic elements: generation, transmission, and distribution.

Generation: Programming can be originated by an in-house production crew (e.g., a unit of the Legislative Services Division), or by a contract team (from a local community access TV outfit or a non-profit corporation like TVW). Alternatively, the program production menu could be subdivided by type. For example, the LSD could be responsible for gavel-to-gavel coverage of floor debates and selected hearings, daily or weekly summaries, press conferences, and other filler programs produced

live in the capitol, while the LSD could contract out to other agencies or independent producers for field hearings, short educational documentaries, panel style talk show/commentaries, video tours of historic sites and industrial or recreational facilities, and, if this were to be a part of a year-round channel, high school sports championships.

Transmission: The programming could be transmitted from the capitol to other locations across the state by means of a satellite uplink, a fiber optic network, microwave, telephone lines, or some combination of these means of conveying digitized sound and images. Touch America, AT&T Cable Services, U.S. West (or Qwest), Streaming Solutions, DirecTV, Echostar, FiberVision, and Montana Public Television (PBS) are entities that could fulfill this vital function. The question is whether any or all would be interested in a partnership arrangement with one another and the Legislature to ensure the widest possible delivery at an affordable cost. For example, if Internet protocols for the conveyance of digital information enable a program to be transmitted and distributed simultaneously to personal computers AND television sets, what kind of cooperative arrangement among software companies, broadcasters, cable operators, and telephone companies would ensure the broadest possible reach to the citizens of Montana?

Distribution. Final delivery of the programming to households, schools, and other public facilities could be provided by AT&T Cable Services, small cable operators (of which there are about 30 in the state), Montana Public Television (via broadcast), satellite television companies, Internet Service Providers (such as U.S. West or MCN), or a combination of an ISP with Microsoft's WebTV, which enables consumers to use their television sets as enlarged computer monitors for certain Internet applications. With these entities in mind, there is no necessary separation between the transmission and distribution functions. However, there are other potential means of distribution, such as Local Multipoint Distribution Service (broadband wireless), and, conceivably, Rural Cooperative Utilities, which have statutory authority under 35-18-105, MCA, to provide cable television and broadband services to their members. With the pace of convergence of voice, video and data services, and the advent of companies that offer bundled telecommunications and energy products and services. (See www.essential.com for an example.)

Other participants in one or more of the generation, transmission, and distribution roles include: community colleges, tribal colleges, county extension offices, and the Department of Administration's METNET (video conferencing) sites.

Scale and Scope of Start-Up.

Funding options: The Legislature could fund the development of a TVMt in phases, beginning with pilots or a program sampler prior to and during the 2001 session (to demonstrate the look and sound of gavel-to-gavel coverage, and to provide audio streaming throughout the capitol complex in Helena), and then appropriate funds for an ongoing in house or contracted services package. Alternatively, the

Legislature could dive into the deep end right away, authorizing the purchase of equipment, the hiring of specialists, consultants, and contractors to establish a production entity and to provide for maximum connectivity across regions and systems.

Programming Options: The basic elements to consider are program type, singular or multiple production sources, and how many hours a day to provide live and tape-delayed features. For purposes of preliminary comparative analysis, here are three different scales of operation:

Classic Primitive: Bare bones production, involving limited gavel-to-gavel coverage and very limited committee hearings, press conferences, and spot summaries within the Capitol building. [See Nevada, Kansas models]

Enhanced Spartan: Full coverage of floor sessions, more committee hearings, plus live and tape-delayed delivery of select Executive Branch activities (e.g., Land Board meetings), Judicial Branch activities (oral arguments before the Montana Supreme Court), and occasional studio-based interview/commentary programs. [See Minnesota and Connecticut models]

Athenian/Baroque: Comprehensive coverage of Legislative sessions, combined with a year-round schedule that combines activities in the three branches of state government, with documentary features, educational programs, sports, and other types of news and public affairs shows. [See Washington State and Pennsylvania models]

What Can Go Wrong?

Undercapitalization is a recipe for failure. Without the right equipment and the right people to run it, legislators will never grow fond of the new dimension of media coverage and the citizenry will not be well-served.

Non-cooperation from the private sector could cripple the effort. The state does not have the means--other than through draconian measures involving taxes or eminent domain or both--of transmitting and distributing the television/Internet signals to a statewide audience without using commercial service providers.

Politicization of the television product would be ruinous. Use of video material for partisan campaigns must be prohibited, and the minority party (or parties) must be assured that coverage will be balanced.

Mismanagement and technical incompetence are as problematic in this enterprise as in any other. The producers must be fiscally responsible and accountable, and the technicians must be sufficiently well trained (and well paid) to keep the system up and running in a reliable fashion.

Cultural resistance could stymie momentum, as it has in Kansas, where the Senate steadfastly refuses to incorporate computer technology or broadcasting into its proceedings on the basis of that body's historic role as the oracle of sober second opinion based on slow, non-showy deliberation.

Technological innovation could render today's choice of materials and equipment and delivery systems obsolete. As this seems always to be true, and since 19 states have built and maintained systems that started as much as a decade ago--and are still working--the antidote for crippling obsolescence is forward-looking planning at the outset and a high degree of flexibility to accommodate invention.